

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 2715 - HB 2971**

March 10, 2012

**SUMMARY OF BILL:** Increases, from a Class A misdemeanor to a Class E felony, the penalty for cock fighting. Increases, from a Class B misdemeanor to a Class A misdemeanor, the penalty for being a spectator at a dog fight. Increases, from a Class C misdemeanor to a Class A misdemeanor, the penalty for being a spectator at a fight of any other animal. Deletes the existing statutory language that it is not an offense to own, possess or keep cocks, or aid or abet the ownership, possession or keeping of cocks, for the sole purpose of selling or transporting cocks to a location in which possession or keeping of cocks is legal.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – Not Significant**

**Increase State Expenditures - \$831,900/Incarceration\***

**Decrease Local Revenue – Not Significant**

**Decrease Local Expenditures – Not Significant**

Assumptions:

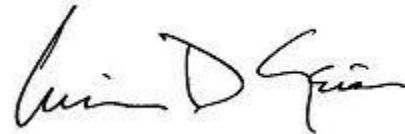
- According to the Administrative Office of the Courts, there has been an average of 2.6 misdemeanor convictions in each of the past five years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 26 per year. Estimate assumes these 26 people would receive a Class E felony rather than a misdemeanor.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in three additional offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 29 offenders.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2012 is \$61.36. The average post-conviction time served for a Class E felony is 1.28 years (467.52 days) at a cost of \$28,687.03 (\$61.36 x 467.52 days). The total additional operating cost for 29 offenders is \$831,923.87 (\$28,687.03 x 29).

- The increase in classification for some offenses from a Class A misdemeanor to a Class E felony could result in a slight decrease in the number of prosecutions in general sessions courts. Any decrease in revenue and expenditures to local government will not be significant.
- The increase in classification for some offenses from a Class B or a Class C misdemeanor to a Class A misdemeanor will not have a significant fiscal impact on state or local government.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

/lsc